

**BEFORE THE PUBLIC DISCLOSURE COMMISSION  
STATE OF WASHINGTON**

IN THE MATTER OF THE	)	
ENFORCEMENT ACTION AGAINST:	)	PDC CASE NO. 00-261
	)	
	)	AMENDED
Citizens for Brian Derdowski and	)	STIPULATION OF FACTS,
Brian Derdowski,	)	VIOLATIONS AND PENALTY
Respondent.	)	
	)	

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**Facts**

Brian Derdowski (Respondent) and Public Disclosure Commission Enforcement Staff (Staff) agree that the Notice of Administrative Charges (Charges) issued on July 12, 2000, contains accurate statements of fact, as amended by the Supplement to Report of Investigation and Statement of Charges (Supplement), dated September 13, 2000. Copies of the Charges and Supplement are attached and incorporated by reference.

On November 22, 1999, Jolie Imperatori filed a complaint against Brian Derdowski, alleging violations of RCW 42.17.080 and 42.17.090 for failing to timely file reports listing contribution and expenditure activity for Mr. Derdowski's 1999 campaign, and for failing to have campaign books of account available for inspection. On November 24, 1999, Staff informed Mr. Derdowski of the complaint and asked for a response by December 8, 1999. On December 8<sup>th</sup>, Mr. Derdowski contacted Staff and asked for an extension to respond until the end of January, 2000. When no response had been received by March 8, 2000, Staff sent a letter to Mr. Derdowski asking that he respond no later than March 20, 2000. When no response was received by March 20<sup>th</sup>, Staff sent an additional letter to Mr. Derdowski on April 12, 2000 again asking that he file the missing reports, and that he submit campaign invoices and bank statements. In telephone conversations with Staff, Mr. Derdowski said he was working on the missing reports and would submit them as soon as possible.

On May 16, 2000, Mr. Derdowski was told by Staff that if he did not submit the missing reports and campaign records, a subpoena would be issued. On June 1, 2000, Mr. Derdowski filed the missing C-4 reports, summarizing contributions and expenditures. He also delivered the campaign bank statements, invoices, check registers, and copies of contributor checks. The C-3 reports were subsequently filed July 28, 2000.

**Respondent's Contentions**

Concerning the Notice of Administrative Charges, and its conclusion that Mr. Derdowski violated RCW 42.17.080 by failing to have complete books of account and PDC reports available for review, Respondent contends that the complainant was not impeded in any way from reviewing campaign documents. Respondent contends that during the campaign, many meetings were conducted at the nearby restaurant where the complainant was directed to view the campaign records.

Respondent contends that he provided all of the campaign's records for Ms. Imperatori's review. He acknowledges that at the time of inspection, PDC reports were not available in the campaign office for the complainant to review. Respondent contends that he incorrectly believed that since PDC reports were readily available on the Internet, and at State and County offices, gathering them up for inspection was unnecessary.

Respondent contends that he did not "intentionally violate" PDC rules by failing to file timely reports. Respondent contends that prior to September 10, 1999, campaign reports were accurate and timely.

Respondent contends that after the campaign was over on September 14, 1999, he focused his attention on pressing County business, and on closing his offices in Seattle, Issaquah, and Preston. He contends that an extended illness, and misplaced records during the office closures, exacerbated his difficulties. A key bank statement (October, 1999) was missing, along with copies of contribution checks that had been deposited in September, 1999. Respondent contends that he had difficulty obtaining backup documentation of the contribution checks from bank archives, and that he attempted to file the missing reports himself rather than ask his former volunteer treasurer to file the reports.

### **Violations**

Respondent and Staff agree that three C-3 reports, representing three deposits made September 8, 1999 totaling \$8,070, were required to have been filed on Friday, September 10, 1999, before the September 14, 1999 Primary election, but were not filed until July 28, 2000.

Respondent and Staff further agree that orders placed, debts and obligations totaling \$9,328 were required to have been reported on the seven day pre-primary C-4 report on September 7, 1999, but were not reported until June 1, 2000.

Respondent and Staff agree that following the September 14, 1999 Primary election, in which Respondent was defeated, Respondent violated RCW 42.17.080 and 42.17.090 by failing to timely file four reports of contributions and expenditures (PDC form C-4) and by failing to timely file eight detailed reports of contributions received (PDC form C-3), representing three deposits made September 13, 1999, and five deposits made between September 15, 1999 and April 27, 2000.

Respondent and Staff agree that Respondent violated RCW 42.17.080 by failing to have complete books of account and PDC reports available.

### **Penalty**

Respondent and Staff agree that Respondent shall be assessed a penalty of \$3,000. \$500 of this penalty is suspended on the following conditions:

- 1) The Respondent, without fail, pays \$2,500 at the following intervals -- \$800 by December 15, 2000, \$200 by the fifteenth of each month from January 15, 2001 through August 15, 2001, and \$100 by September 15, 2001;
- 2) The payments must be physically received in the PDC Olympia office on the dates prescribed in condition 1 above, unless a due date falls on a weekend or legal holiday, in which case the payment must be physically received in the PDC Olympia office on the weekday preceding that weekend or legal holiday;
- 3) If any payment is not physically received in the PDC Olympia office by 5:00 p.m. on the date prescribed in condition 1 above, the entire \$3,000 immediately becomes due and payable; and

- 4) The Respondent commits no further violations of chapter 42.17 RCW for a period of four years from the date of the Commission's Order, should the Respondent become a candidate during that period of time.

Respectfully submitted this 26th day of September, 2000.

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Vicki Rippie, Executive Director

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DATE SIGNED

\_\_\_\_\_  
Brian Derdowski

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DATE SIGNED